

REMARKS

Each of the issues addressed in the Office Action will be responded to in the same order as provided by the Patent Office.

Prosecution Reopened

The applicant understands that claims 1-20 have been reevaluated by the Examiner. The applicant observes that the cited art appears to be significantly more pertinent than provided in previous examination which should therefore assist in providing a valid patent if one issues.

Claim Rejections under 35 USC § 102

Claims 1, 4-6, and 13 were rejected as being obvious in light of Weaver, U.S. Patent No. 3,923,941. Weaver shows a method of creating decorative vinyl sheet product with the decorative indicia being provided by a roller ball 7 onto a substrate 9 with a “clear, unfilled, unpigmented top coating layer 21” then possibly applied on top of the decorated substrate. (Col. 3, lines 49-53).

This disclosure is very clear that the top layer is intended to be the layer opposite the marbled coating layer 19 from the substrate 9. This is exemplified by the discussion in column 3, lines 49-60 discussing the optional top coating 21 as it relates to whether or not the texture of the marbled coating 19 is to be maintained or provided as a level coating.

Although there is a discussion that substrate 9 may be removable, (Col. 3, lines 21-23), there is not believed to be any discussion as a reference that the surface adjacent the substrate 9 once stripped from the marbled coating layer 19 is an upper or visible surface in any installation. In fact, the discussion in Col. 3, lines 49-60 would appear to teach away from such a use. Additionally, when taken in combination with Col. 4, lines 37-43 where it states that the “improved pattern control and definition may be obtained by providing a notched surface 11 on

the rim 10 of the opening 7 of the receptacle 4” it appears to be clear that the pattern control discusses the surface opposite the substrate 9.

In order to clarify claim 1, claim 1 has been amended to specifically describe the inversion of the vinyl sheet product with the side that was formerly against the conveyor being the side which is visible from above when installed. There is not believed to be any teaching or suggestion that this type construction. Accordingly, with clarification through the enclosed amendment, Weaver is not believed to suggest or teach the limitations of claim 1 and those claims that depend therefrom.

Claim 4 has been further clarified to require that liquid design material be deposited directly onto a conveyor. Since the material is always disclosed as being deposited on a separate substrate 9 in the Weaver reference, there is once again no teaching or suggestion for this capability. Claims 5-10 depend from claim 4 and can stand with the rationale as provided above. Claim 13 can stand or fall with claim 1.

Claim 15 is rejected as being anticipated by Potosky et al., U.S. Patent No. 5,645,889. The applicant has cancelled claims 15-20 without disclaimer or prejudice. Accordingly, this issue is now moot.

Claims 2 and 3 were rejected as being unpatentable as obvious over Weaver in view of Bartlett and Fine. Neither Bartlett nor Fine teach the application of a design material with a substrate over it with the design material disposed opposite the substrate being the side which is visible from above when installed. As explained above, Weaver is believed to teach away from such construction and Bartlett and Fine make no mention of it. Furthermore, the combination of Bartlett and Fine would make Weaver unusable for its intended purpose since the scrim and second vinyl layer would be obscuring view of a design created according to that reference.

Claim 7-9 were rejected over Weaver in view of Mell. Mell appears to be a method and apparatus for producing variegated sheet of plastic stock such as a rubber composition. Claim 7-9 depend from claim 4 and then from claim 1. Claim 7-9 can stand or fall with the claims from which they depend for purposes of this response.

Claim 10 is rejected as being obvious over Weaver in view of Reed, U.S. Patent No. 3,264,385. Although Reed shows a method of casting a printed pattern on a plastic sheet, it specifically discloses in Col. 4, lines 31-50 that the depressions **21** are fed with a pigment feed which is then applied to the web material. These rollers do not act on the liquid web material, but only on to shape the added pigment feed. Accordingly, neither this reference nor the Weaver reference teaches the additional limitations of claim 10 in that a roller with embossed indicia is applied to the liquid design material prior to applying the first substrated layer. Furthermore, apart from the disclosure of the applicant, there would be no motivation or suggestion to apply the teachings of Reed to the technology disclosed in Weaver for creating the claim as provided by the applicant. A *prima facie* case of obviousness is now believed to be in proper form in relation to at least this claim.

Claims 11 and 12 are hereby cancelled without prejudice or disclaimer. These claims were linking claims to be able to have the claims 15-20 included with this examination of this patent application.

Claim 14 was rejected as being obvious over Weaver in view of Suzuki et al, U.S. Patent No. 6,589,631. The applicant will agree with the Examiner's characterization of Suzuki as teaching a method to transfer a pattern to a floor covering with at least two heights. The applicant would disagree that Suzuki teaches utilizing a conveyor texture for that purpose as Col. 13, lines 34-64 be directed to utilizing a dye **18** for the purpose of creating the impression of the

floor mat taught in that reference. Accordingly, at least the element of a conveyor having the at least two different heights to impart a texture is not believed to be provided in any of the cited references.

Claims 15-20 were discussed being cancelled above.

In conclusion, the applicant sincerely appreciates the Examiner's efforts in locating pertinent references. The applicant has narrowed the issues and provided a single independent claim which, as amended, is believed to distinguish the cited art. Allowance of claims 1-10 and 13-14 is respectfully requested.

Respectfully submitted,

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By: 

Stephen J. Stark
Reg. No. 43,152
Attorney for Applicant
Miller & Martin PLLC
Suite 1000, Volunteer Building
832 Georgia Avenue
Chattanooga, Tennessee 37402-2289
(423) 756.6600



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on this 26th day of November, 2007.

By: Beverly L. Middleton
Beverly L. Middleton